

By: Senator(s) Jackson (15th)

To: Judiciary, Division B

SENATE BILL NO. 2814

1 AN ACT TO AMEND SECTION 97-19-51, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT FAILURE TO PAY OVER PROCEEDS OF A SALE ON
3 CONSIGNMENT TO THE CONSIGNOR MAY CONSTITUTE FALSE PRETENSES; AND
4 FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 97-19-51, Mississippi Code of 1972, is
7 amended as follows:

8 97-19-51. (1) If any person shall sell, barter, or exchange
9 or mortgage, or give deed of trust on, any property, real or
10 personal, which he had before sold, bartered, or exchanged, or
11 obligated himself to sell, barter, or exchange, or which he had
12 mortgaged, or in any manner encumbered, or on which he knows there
13 is a lien of any kind by contract or by law, without informing the
14 person to whom he so sells, barter, exchanges, or bargains, or
15 mortgages or gives deed of trust on it, of the exact state of the
16 property as affected by said acts or of the lien or encumbrance
17 thereon, he shall be guilty of obtaining under false pretenses
18 whatever he received from the person dealing with him, and shall,
19 on conviction, be punished therefor, as for obtaining goods under
20 false pretenses.

21 (2) If any person shall sell, barter or exchange any
22 personal property on consignment from another without informing
23 the person to whom he so sells, barter or exchanges of the exact
24 state of the property as affected by said acts or of the true
25 ownership thereof, he shall be guilty of obtaining under false
26 pretenses whatever he received from the person dealing with him,
27 and shall, on conviction, be punished therefor, as for obtaining
28 goods under false pretenses. It is a defense to prosecution under

29 this subsection (2) if the person shall have paid over to the
30 consignor of the personal property the full money amount owed from
31 the proceeds of the sale according to any written contract between
32 them.

33 **SECTION 2.** This act shall take effect and be in force from
34 and after July 1, 2004.